

GP163Kerw

PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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## STATEMENT UNDER 37 CFR 3.73(b)

15093

Applicant/Patent Owner: BASF Plant Science GmbHApplication No./Patent No.: 09/828,313 Filed/Issue Date: April 6, 2001

Entitled:

BASF Plant Science, a German Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011908, Frame 0793, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Ruoying Chen

Signature

RUOYING CHEN Reg. No. 56,516

Printed or Typed Name

Patent Agent

Title

June 23, 2005

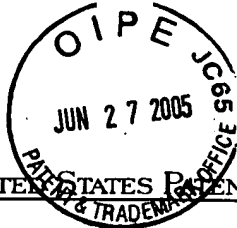
Date

919-547-2230

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 20 2005

Page 1 of 1

15093

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/828,313	04/06/2001	Oswaldo da Costa e Silva	16313-0032

29052  
SUTHERLAND ASBILL & BRENNAN LLP  
999 PEACHTREE STREET, N.E.  
ATLANTA, GA 30309

CONFIRMATION NO. 6571



\*OC000000016277690\*

RECEIVED

JUN 16 2005

Date Mailed: 06/14/2005

*Sutherland Asbill & Brennan LLP*  
**NOTICE REGARDING POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/01/2005 . The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

KIDIST TESFAYE  
SALLY (-)

FORMER ATTORNEY/AGENT COPY



PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/828,313	
	Filing Date	April 6, 2001	
	First Named Inventor	Oswaldo da Costa e Silva	
	Art Unit	1638	
	Examiner Name	C. Collins	
Total Number of Pages in This Submission	3	Attorney Docket Number	15093

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Express Mailing; return postcard
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature		
Printed name	Mark A. Westhafer	
Date	June 1, 2005	Reg. No. 42,220

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	VIA EXPRESS MAIL	
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/82 (09-04)

Approved for use through 11/30/2005. OMB 0651-0035

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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/828,313
Filing Date	April 6, 2001
First Named Inventor	Oswaldo da Costa e Silva
Art Unit	1638
Examiner Name	C. Collins
Attorney Docket Number	15093

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

029137

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

029137

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone			Fax		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature			
Name	ppa Bieberbach i.v. Pressler		
Date	May 24th, 2005	Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent and Trademark Office  
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Washington, D.C. 20231

AUGUST 29, 2001

SUTHERLAND ASBILL & BRENNAN LLP  
LISA M. COBERN, ESQ.  
999 PEACHTREE STREET, NE  
ATLANTA, GA 30309-3996

PTAS

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\*101758870A\*

SEP 03 2001

Sutherland, Asbill & Brennan LLP

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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/18/2001

REEL/FRAME: 011908/0793  
NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DA COSTA E SILVA, OSWALDO

DOC DATE: 05/30/2001

ASSIGNOR:

BOHNERT, HANS J.

DOC DATE: 05/30/2001

ASSIGNOR:

VAN THIELEN, NOCHA

DOC DATE: 05/30/2001

ASSIGNOR:

CHEN, RUOYING

DOC DATE: 06/01/2001

ASSIGNOR:

SARRIA-MILLAN, RODRIGO

DOC DATE: 05/24/2001

ASSIGNEE:

BASF PLANT SCIENCE GMBH  
D-67056 LUDWIGSHAFEN  
FED REP  
GERMANY

011908/0793 PAGE 2

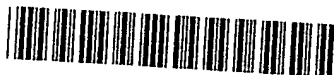
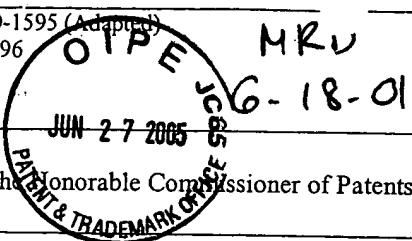
SERIAL NUMBER: 09828313  
PATENT NUMBER:

FILING DATE: 04/06/2001  
ISSUE DATE:

JACQUELINE MOORE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

06-25-2001

DEPARTMENT OF COMMERCE  
Patent & Trademark Office



101758870

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Oswaldo da Costa e Silva; Hans J. Bohnert; Nocha van Thielen; Ruoying Chen and Rodrigo Sarria-Millan

Additional name(s) of conveying party(ies) attached?  
☐ Yes ☒ No

3. Nature of conveyance:  
☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution date(s) of each conveying party:

May 24, 2001, May 30, 2001 and June 1, 2001

2. Name and Address of receiving party(ies):

Name: BASF Plant Science GMBH

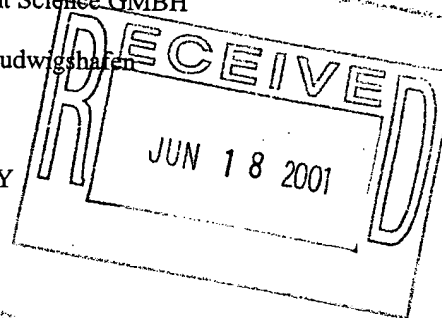
Address: D-67056 Ludwigshafen

City:

State: GERMANY

Zip:

Additional name(s) & address(es) attached? ☐ Yes ☒ No



4(a). Patent Application No.(s): 09/828,313

Patent No.(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Lisa M. Cobern, Esq.  
Address: SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. §3.41) enclosed: \$ 40.00

06/22/2001 TDIAZ1 00000133 09828313

01 FC:581

40.00 OP

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8. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

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Lisa M. Cobern  
Name of Person Signing

Signature

Date: 6/23/01

Attorney Docket No. 16313-0032

Total number of pages including cover sheet: 7

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks  
Box Assignments  
Washington, DC 20231

## ASSIGNMENT

WHEREAS, we, **Oswaldo da Costa e Silva** a citizen of Brazil, residing at 203 Littleford Lane, Apex, North Carolina 27502; **Hans J. Bohnert**, a citizen of Germany, residing at 5400 East Williams Blvd., Apartment 13-208, Tucson, Arizona 85710; **Nocha van Thielen**, a citizen of Canada, residing at 206-T Hyde Park Ct., Cary, North Carolina 27513; **Ruoying Chen**, a citizen of China, residing at 105 Collier Place 1-G, Cary, North Carolina 27513; and **Rodrigo Sarria-Millan**, a citizen of Columbia, residing at 2324 Winter Walk Circle, Morrisville, North Carolina 27560, have invented certain inventions and improvements disclosed in an application for Letters Patent entitled "**Protein Kinase Stress-Related Proteins and Methods of Use in Plants**" that was filed in the United States Patent and Trademark Office on April 6, 2001 and assigned U.S. Application Serial No. 09/828,313.

WHEREAS, **BASF Plant Science GmbH**, a corporation of Germany having a principal place of business at D-67056 Ludwigshafen, Germany, is desirous of acquiring an interest in the same;

NOW, THEREFORE, for and in consideration of Five Dollars (\$5.00) and other good and valuable consideration, the receipt and sufficiency of which we hereby acknowledge, we, **Oswaldo da Costa e Silva, Hans J. Bohnert, Nocha van Thielen, Ruoying Chen and Rodrigo Sarria-Millan** by these presents do sell, assign and transfer unto **BASF Plant Science GmbH** the full, exclusive and entire right, title, and interest in and to said application, in and to any divisions, continuations, and reissues thereof, and in and to all inventions and improvements disclosed and described in said application, preparatory to obtaining Letters Patent of the United States therefor; and we hereby request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States resulting from said application, or from a division, continuation, or reissue thereof, to **BASF Plant Science GmbH** as the assignee, for its interest and for the sole use and benefit of **BASF Plant Science GmbH** and its assigns and legal representatives;



For the same consideration, we, by these presents do sell, assign, and transfer to **BASF Plant Science GmbH** the full, exclusive, and entire right, title and interest in and to any foreign application or applications corresponding to said application, in whole or in part, in countries other than the United States, in and to any Letters Patent and similar protective rights granted on said foreign applications, and in and to the right to claim any applicable priority rights arising from or required for said foreign applications under the terms of any applicable conventions, treaties, statutes, or regulations; said foreign applications to be filed and issued in the name of **BASF Plant Science GmbH** or its designee insofar as permitted by applicable law.

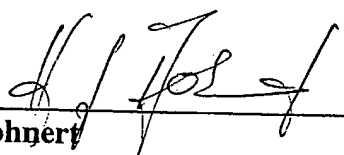
AND, for the same consideration, we agree to sign all lawful papers, execute all division, continuing, reissue and other applications, make all assignments and rightful oaths, and generally do everything possible to aid **BASF Plant Science GmbH** its successors, assigns, and nominees, to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.

Date: 5/30/01

Oswaldo da Costa e Silva  
Oswaldo da Costa e Silva

Assignment  
U.S.S.N. 09/828,313  
Page 3

Date: 5/30/01

  
\_\_\_\_\_  
**Hans J. Bohnert**

Date: 5, 30, 2001




---

Nocha van Thielen

Date: 6/1/2001

Ruoying Chen  
Ruoying Chen

Date: MAY 24/01

  
\_\_\_\_\_  
**Rodrigo Sarria-Millan**

Docket No.: 16313-0032